THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.4175 of 2000

DATED:10.08.2007

BETWEEN:

Veeramallu Kistaiah and another.

..Petitioners

And

The District Collector and others.

..Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.4175 of 2000

ORDER:

The petitioners filed the Writ Petition seeking a *mandamus* to declare the action of the respondents in stopping the construction of their houses, which were being constructed as per the sanctioned orders of the Gram Panchayat, in survey No.1907/17 situated at Prashanthnagar Gram Panchayat, Siddipet Mandal, Medak District, as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioners are the owners and possessors of house sites in survey No.1907/17 admeasuring 108.81 and 40.6 square meters, respectively, situated at Prashanthnagar Gram Panchayat, Siddipet Mandal, Medak District. It is also stated that originally their mother, by name, Smt.P.Radhabai, purchased an extent of 1000 square yards of land, in the above said survey number, under a registered sale deed, dated 16.12.1971, and in the family partition, the above extent of 108.81 and 40.6 square meters of land, respectively, was allotted to them. It is further stated that with a view to make constructions, they have obtained permission from the Gram Panchayat vide proceedings Nos.153 and 154/GPP/98, dated 20.08.1999.

It is the grievance of the petitioners that in spite of the fact that they are making constructions in their own plots and the said constructions are covered by valid permissions granted by the Gram Panchayat, the revenue authorities are not allowing them to make constructions. It is specifically pleaded in the affidavit that there were oral instructions by the Mandal Revenue Officer to stop the constructions.

This Writ Petition was filed in the year 2000 stating that on any claim, the respondents can very well enquire, but in spite of valid

permissions from the competent authority and when they are proceeding with the constructions on their own land, the respondents cannot issue oral instructions for stopping the constructions.

At the stage of admission, this Court by order, dated 15.03.2000, granted interim directions and the said order continued all along. Though the Writ Petition is of the year 2000, no counter-affidavit is filed and there is also no representation on behalf of the respondents.

It is the case of the petitioners that their title is supported by valid documents and constructions are in accordance with the sanctioned plan. If for any reason, the constructions are to be stopped, the respondents may do so by issuing notice and by providing an opportunity to the petitioners, but they cannot orally direct them to stop the constructions. Whether there is any dispute as regards the title or possession of the property, the respondents ought to have filed counter-affidavit by denying the same. In the absence of any response from the respondents, it has to be deemed that they have admitted the contentions made by the petitioners.

In that view of the matter, the respondents are directed not to stop the constructions of the petitioners, provided they are making the constructions in their own land and in accordance with the permission granted by the Gram Panchayat. It is made clear that if there are any violations or constructions in the Government land, it is open for the respondents to take appropriate steps in accordance with law.

Subject to the above directions, the Writ Petition is disposed of. No order as to costs.

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R.SUBHASH REDDY, J

Dt.10.08.2007
GJ